UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1997/L.11/Add.3
28 August 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 13 (c)

CONCLUDING ITEMS

ADOPTION OF THE REPORT ON THE FORTY-NINTH SESSION

Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session

Rapporteur: Mr. Marc Bossuyt

CONTENTS*

Chapter		Paragraphs	Page
II.	Draft resolutions and decisions adopted by the Sub-Commission at its forty-ninth session		
	B. Decisions		
	1997/101. Adoption of the agenda		
	1997/102. Sessional working group on the administration of justice		

* E/CN.4/Sub.2/1997/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1997/L.11 and Addenda.

CONTENTS (continued)

Chapter			Paragraphs	Page
II.	B.	Decisions (continued)		
		1997/103. Organization of work		
		1997/104. Sessional working group on the methods of work of the Sub-Commission		
		1997/105. Monitoring the transition to peace in Guatemala		
		1997/106. Voting by secret ballot		
		1997/107. Study on income distribution and human rights		
		1997/108. The right to food		
		1997/109. Transmission of resolution 1996/22 of the Sub-Commission to the Secretary-General		
		1997/110. Study on treaties, agreements and other constructive arrangements between States and indigenous populations		
		1997/111. Composition of the pre-sessional working groups of the Sub-Commission		
		1997/112. Criteria for new studies		
		1997/113. Methods of work of the Sub-Commission regarding agenda item 2		
		1997/114. Systematic rape and sexual slavery and slavery-like practices during periods of armed conflict		
		1997/115. Report of the sessional working group on the administration of justice		
		1997/116. The administration of justice and human rights		
		1997/117. Rights of the child		

1997/101. Adoption of the agenda

At its 3rd meeting, on 5 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking note of the note by the Secretary-General (E/CN.4/Sub.2/1997/1), decided, without a vote, to amend the provisional agenda for its forty-ninth session in accordance with proposals made by the members.

[See chap. V.]

1997/102. Sessional working group on the administration of justice

At its 3rd meeting, on 5 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decisions 1996/103 and 1996/119, decided, without a vote, to establish a sessional working group on the administration of justice under agenda item 9.

[See chap. III.]

1997/103. Organization of work

At its 3rd meeting, on 5 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to invite the following persons to participate in its meetings:

(a) Mr. Leandro Despouy, to present his final report on the question of human rights and states of emergency (E/CN.4/Sub.2/1997/19 and Add.1) (item 9 (a));

(b) Mr. Awn Al-Khasawneh to present his final report on the human rights dimensions of population transfer, including the implantation of settlers and settlements (E/CN.4/Sub.2/1997/23) (item 10 (b));

[See chap. III.]

1997/104. Sessional working group on the methods of work of the Sub-Commission

At its 3rd meeting, on 5 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to establish a sessional working group on the methods of work of the Sub-Commission under agenda item 1 (c).

[See chap. III.]

1997/105. Monitoring the transition to peace in Guatemala

At its 22nd meeting, on 20 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to authorize the Chairman of the Sub-Commission to issue a statement on the respect for human rights and the conclusion of the peace process in Guatemala, under agenda item 2, and to allow both the observer for the Government of Guatemala and a representative of the Unidad Revolucionaria Nacional Guatemalteca to address the Sub-Commission in that regard.

[See chap. IV.]

1997/106. Voting by secret ballot

At its 23rd meeting, on 20 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote by secret ballot whenever a vote was requested on proposals pertaining to allegations of violations of human rights in countries, under any agenda item, including proposals of a procedural nature relating to proposals of a substantive nature.

[See chap. IV.]

1997/107. Study on income distribution and human rights

At its 26th meeting on 22 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking note that the Sub-Commission did not have sufficient time at its forty-ninth session for a comprehensive discussion of the final report of the Special Rapporteur on income distribution and human rights, Mr. José Bengoa (E/CN.4/Sub.2/1997/9), decided:

(a) To postpone to its fiftieth session the presentation by Mr. Bengoa of his final report;

(b) To ensure that the report would be circulated as an official document of the fiftieth session of the Sub-Commission;

(c) To request Mr. Bengoa to complete his report by preparing a supplementary document on this issue;

(d) To give full consideration at its fiftieth session to the recommendation contained in the final report concerning the establishment of a social forum within the framework of the Sub-Commission.

[See chap. VI.]

1997/108. The right to food

At its 27th meeting, on 22 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolution 1996/25 of 29 August 1996 in which it expressed deep concern that more than 800 million people throughout the world, particularly in developing countries, did not have enough food to meet their basic nutritional needs, and appealed to the World Food Summit to propose, inter alia, ways in which the right to food could be further clarified and implemented; taking into account the adoption by the World Food Summit in November 1996 of its Plan of Action, including its objective 7.4 which, inter alia, invited the United Nations High Commissioner for Human Rights, in consultation with relevant United Nations and intergovernmental mechanisms, to better define the rights related to food and to propose ways to implement and realize those rights; and noting that this request was endorsed by the Commission on Human Rights in its resolution 1997/8 of 3 April 1997, **decided without a vote to request** Mr. Asbjørn Eide to review and update, without financial implications, his study on the right to food submitted in 1987 (Human Rights Study Series No. 1, United Nations publication, Sales No. E.89.XIV.2) and to submit the updated study to the Sub-Commission at its fiftieth session in 1998.

[See chap. VI.]

1997/109. Transmission of resolution 1996/22 of the Sub-Commission to the Secretary-General

At its 27th meeting on 22 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolution 1996/22 of 29 August 1996, entitled "Tenth anniversary of the adoption of the Declaration on the Right to Development", in which it requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006) and to provide him with the information thereon, and to transmit annually to the Sub-Commission the information received, and noting that the Sub-Commission had, to date, not received the information so requested, decided, without a vote, to transmit the full text of resolution 1996/22 to the Secretary-General for action.

[See chap. VI.]

1997/110. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 27th meeting, on 22 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decisions 1994/116 of 26 August 1994, 1995/118 of 24 August 1995 and 1996/118 of 29 August 1996 decided, without a vote, to take note of the Special Rapporteur's explanation of the reasons for not submitting his final report at its present session, urged him to submit his final report in due time - preferably before the end of 1997 - so as to allow it to be discussed by the Working Group on Indigenous Populations at its sixteenth session and by the Sub-Commission at its fiftieth session, and to request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to conclude his study.

[See chap. IX.]

1997/111. Composition of the pre-sessional working groups of the Sub-Commission

At its 33rd meeting, on 27 August 1997, the Sub-Commission approved the following composition of the pre-sessional working groups of the Sub-Commission:

Regional groups	Communications	Indigenous populations	Minorities	Contemporary Forms of Slavery
Africa	Mr Yimer	Mr. Guissé	Mr. Mehedi	Ms. Warzazi
	Ms. Mbonu (alternate)	Ms. Attah (alternate)	Mr. Khalil (alternate)	Ms. Gwanmesia (alternate)
Asia	Mr. Fan Guoxiang	Mr. Hatano	Mr. Ali Khan	Mr. El-Hajjé
	Mr. Zhong Shukong (alternate)	Mr. Yokota (alternate)	Mr. El-Hajjé (alternate)	Mr. Ali Khan (alternate)
Latin America	Mr. Diaz Uribe	Mr. Alfonso Martínez	Mr. Bengoa	Mr. Lindgren
	Mr. Fix Zamudio (alternate)	Mr. Bengoa (alternate)	Mr. Alfonso Martínez (alternate)	Ms. Ferriol Echevarría (alternate)
Eastern Europe	Mr. Ramishvili	Mr. Boutkevitch	Mr. Chernichenko	Mr. Maxim
		Mr. Chernichenko (alternate)	Mr. Boutkevitch (alternate)	
Western Europe	Mr. Bossuyt	Ms. Daes	Mr. Eide	Mr. Weissbrodt
		Mr. Weissbrodt (alternate)	Ms. Koufa (alternate)	

[See chaps. ...]

1997/112. Criteria for new studies

At its 35th meeting, on 27 August 1997, the Sub-Commission decided, without a vote, to take note of the conference room paper (E/CN.4/Sub.2/1997/CRP.2) entitled "Criteria for new studies", in which it was proposed that the following criteria should guide the Sub-Commission when choosing new subjects for study:

(a) Priority should be given to subjects for study recommended by the Commission on Human Rights;

(b) From among other proposals, priority should be given to subjects suggested by the working groups of the Sub-Commission;

(c) Special attention should be given to subjects proposed by treaty bodies, as requested in paragraph 3 (c) of Commission on Human Rights resolution 1997/22;

(d) Economic, social and cultural rights should also be considered as a priority area in the selection of new studies;

(e) Proposals for isolated studies, i.e. not having the necessary background and framework, should be discouraged.

The Sub-Commission further decided to annex the above criteria to the guidelines concerning its methods of work contained in the annex to Sub-Commission resolution 1992/8.

[See chap. ...]

1997/113. Methods of work of the Sub-Commission regarding agenda item 2

At its 35th meeting, on 27 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decision 1996/115 of 19 April 1996 in which it decided to take no action at its forty-ninth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)" in respect of human rights situations which the Commission was considering under the public procedures for dealing with human rights violations, and recalling also resolution 1997/22 of the Commission on Human Rights, decided without a vote not to adopt resolutions or decisions

henceforth under that agenda item in respect of human rights situations which the Commission is considering under the public procedures for dealing with human rights violations.

[See chap. III.]

1997/114. Systematic rape and sexual slavery and slavery-like practices during periods of armed conflict

At its 35th meeting, on 27 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling Commission on Human Rights resolution 1996/25 of 19 April 1996, in which the Commission referred to the fact that both experts and alternates could undertake studies for the Sub-Commission; taking note of the letter dated 13 May 1997 from Ms. Linda Chavez, Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, in which the Special Rapporteur informed the High Commissioner and the Centre for Human Rights of her resignation as Special Rapporteur and of her inability to submit her final report, as requested by the Sub-Commission in its resolution 1996/11 of 23 August 1996; noting that Ms. Chavez has expressed the hope that her study will nonetheless be completed; and recalling its decision 1996/113 of 29 August 1996, in which it recognized the need to bring to a successful conclusion studies which have been initiated, decided without a vote to entrust Ms. Gay J. McDougall with the task of completing the study on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict for submission to the Sub-Commission at its fiftieth session.

[See chap. VIII.]

1997/115. Report of the sessional working group on the administration of justice

At its 35th meeting, on 27 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having considered the report of the sessional working group on the administration of justice (E/CN.4/Sub.2/1997/21), decided without a vote (a) to transmit to the Human Rights Committee, through the Secretary-General, a copy of the report of its sessional working group on the administration of justice which contains a recommendation that the Human Rights Committee consider preparing a new general comment on article 4 of the International Covenant on Civil and Political Rights reaffirming the developing consensus that habeas corpus and the related aspects of amparo, as well as cognate rights, should be considered

to be non-derogable in all circumstances; and (b) to call upon all States to incorporate in their domestic law provisions making habeas corpus a non-derogable right in all circumstances.

[See chap. XI.]

1997/116. The administration of justice and human rights

At its 35th meeting, on 27 August 1997, the Sub-Commission decided without a vote to request the sessional working group on the administration of justice to continue its consideration of the expanded working paper prepared by Mr. Stanislav Chernichenko on the recognition of gross and massive violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime (E/CN.4/Sub.2/1997/29) and for that purpose to transmit the expanded working paper, through the Secretary-General, to the International Law Commission, so that the Commission's comments might be considered at the next session of the Working Group.

[See chap. XI.]

1997/117. Rights of the child

At its 36th meeting, on 28 August 1997, the Sub-Commission decided, without a vote, to transmit to the Committee on the Rights of the Child, through the Secretary-General, a copy of the summary records of the meetings at which agenda item 10 bis entitled "Rights of the child" was discussed, which contain a recommendation that the Committee on the Rights of the Child consider preparing general comments on articles 2, 37 and 40 of the Convention on the Rights of the Child, and expresses its readiness to extend assistance, if requested, particularly in regard to the preparation of a general comment on article 2 relating to discrimination.

[See chap. XIII.]